

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DAVID L. BEST, )  
                    )  
Plaintiff,       )  
                    )  
v.                 )       No. 3:04-CV-294  
                    )  
                    )(Shirley)  
LOWE'S HOME CENTERS, INC.,       )  
d/b/a LOWE'S HOME IMPROVEMENT   )  
WAREHOUSE STORE OF KNOXVILLE,   )  
STORE NO. 0637,         )  
                    )  
Defendant.       )

**MEMORANDUM AND ORDER**

This civil action is before the Court pursuant to 28 U.S.C. § 636C, Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment. [Doc. 22.] On September 12, 2007, the parties came before the Court on the parties' Joint Motion for Continuance [Doc. 21], defendant's Motion in Limine [Doc. 20], and for a scheduling conference. Robert Pryor, Jr. was present on behalf of the plaintiff and Clint Woodfin was present on behalf of the defendant.

The parties requested that the trial in this matter, currently set for September 18, 2007, be continued approximately six months. As grounds, the parties indicated that discovery related to the testimony of plaintiff's treating physician, Dr. Moreno, was ongoing. The parties further indicated that a continuance was needed so that the parties could attempt to resolve the matter through mediation. The parties also stated that the defendant's motion in limine was now moot, as the parties had reached an agreement as to the testimony of Dr. Moreno.

The Court finds the parties' joint motion to continue [Doc. 21] to be well-taken and the same is hereby **GRANTED**. Accordingly, the trial scheduled for September 18, 2007, is hereby **CANCELLED** and **RESCHEDULED** for April 22, 2008, at 9:00 a.m. The final pretrial conference previously scheduled for September 10, 2007, is hereby **CANCELLED** and **RESCHEDULED** for March 26, 2008, at 9:00 a.m. The defendant's motion in limine [Doc. 20] is hereby **DENIED as moot** and without prejudice to refile should any further dispute develop over the testimony of Dr. Moreno.

**IT IS SO ORDERED.**

**ENTER:**

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge